SOME HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: Shri Gurudas Das Gupta.

Recent decision of CVC ordering probe and reaction thereto

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I seek to raise the issue of the recent assault being made on the independence and prudence of the Central Vigilance Commission of this country. Sir, it is well-known that the CVC had asked the CBI for an investigation into the complaint of violation of income tax by those who had been exonerated by the Supreme Court from the hawala charges. According to the wisdom of the judiciary, there may not have been any violation under FERA in the hawala scam. But, as has been said by the CVC, the question of unaccounted money still remains. There has been an inflow of unaccounted money in the accounts of a number of persons who have been exonerated of the charge of violation of the Foreign Exchange Regulation Act. In the wisdom of the CVC, this spate of income tax violation has not been properly attended to by the CBI. They have ordered a probe by the competent authority and have asked the CBI to look into the matter. Therefore, the question is, there may not have been any FERA violation, but there might have been income-tax violation. And the order given by the CVC, I understand, has been on the basis of the material in the possession of the CVC. Sir, you will kindly recall that the CVC was not set up by the grace of God, it was not constituted because the Government wanted it. The CVC, as the country is well aware, was constituted because of an order of the Apex Court, while looking into the hawala scam. Therefore, it is an autonomous body and it enjoys the judicial mandate of looking into the corruption charges against everybody; against bureaucrats, against law-makers, against Parliamentarians, against businessmen, against any citizen of the country. So far as the law is concerned, it cannot be selective. Law has to be indiscriminate on the basis of substance, on the basis of the letter of the law. Nobody can enjoy any prerogative in the country to claim immunity. My dear friend, Mr. Jethmalani, who is a leading lawyer of this country, would kindly testify. He is one of the leading lawyers of the country. Or, may I call him the most eminent lawyer of the country? Whatever it be, the question is this. He must be aware of the fact that enforcement of law has to be indiscriminate in the eye of the law. Mr. Jethmalani doesn't enjoy a special position. ....*(Interruptions)*...

SHRI T.N. CHATURVEDI (Uttar Pradesh): It should not be "indiscriminate", but "without distinction".

SHRI GURUDAS DAS GUPTA: I mean indiscriminate in the sense, not favouring anyone. My English is, "indiscriminate of any favour". Therefore, the point is the application of law cannot be selective. Now, after the decision has been taken by the CVC, after an order has been given by the CVC, there has been a terrible controversy within the Cabinet, and everything comes out in the open. The Cabinet meeting discussed the CVC order, as reported by the Press, and the Cabinet was presided over by none other than Mr. Vajpayee. The information goes to the Press. Who leaked it out and for what purpose is well known. I understand from Press reports that Minister after Minister criticised the CVC for reopening the hawala cases or accused the CVC of political vengeance for taking the route of income-tax to institute fresh cases. What is happening to the country? What is being discussed in the Cabinet is coming out in the Press and that too, is an outrageous assault on a statutory, autonomous body, set up as per the judgment of the Supreme Court. I would have been happy if the matter had ended there. Somebody might have said that the unauthenticated report of the Cabinet meeting should not be taken up for discussion in the House. This may be the charge by Mr. Chaturvedi. What do you feel?

SHRI T.N. CHATURVEDI: The CVC was set up much earlier.

SHRI GURUDAS DAS GUPTA: May I correct my hon. friend? The CVC was set up earlier. It is true. But the CVC has its statutory status not because of the grace of the hon. Minister or my friend, but because of the judgment of the Supreme Court. The CVC was set up as a handicapped body. The CVC has its hands free now, because the Supreme Court gave the judgment, and not because anybody in the Government wanted it to be so.

SHRI T.N. CHATURVEDI: You had your own Home Minister.

SHRI GURUDAS DAS GUPTA: That is not the point. The point is this. What is more outrageous is that on 19th February--the Press report says, and it is not yet contradicted by any person; I am just quoting--my dear friend, Mr. Venkaiah Naidu, is reported to have spoken, as is reported here, in an outrageous manner to intimidate the CVC. He says, "the CVC should remember"--the CVC has to remember, according to the spokesman of the ruling party; he is the spokesman of the party--"that we are trying to make it a

F 13—145/RS/ND/2000

statutory body, but it should behave responsibly". What a tragedy! A spokesman of a political party is asking a statutory body to behave properly because an order has been given by the CVC for a probe into the charges which might involve a number of present Ministers. How outrageous it is to ask a statutory authority to behave properly, and the character certificate comes from my hon. friend from the ruling party! ...*(Interruptions)*... I am only speaking about the party. The CVC has to take the character certificate from the ruling party and we have to believe that the ruling party is so eloquently in favour of probing corruption charges. That is not the only point, Sir. I have my friend standing up. Let me finish.

SHRI B.P. SINGHAL (Uttar Pradesh): Just one minute.

SHRI GURUDAS DAS GUPTA: No. I don't yield, Sir. The next day, more outrage was to come. The next day--it was reported in the Press--not in the newspaper which I had quoted, but in another newspaper,and the heading is "CVC has exceeded the brief". Please understand its implication. It is the heading. I have a copy of the Press cutting. The heading is "The CVC has exceeded its brief". Sir, what does it mean " exceeded his brief"? Sir, we are in such a situation that if the Government dictates to the CVC, then all the Ministers will be out in a rage because some of their colleagues are likely to be probed. We are in such a situation where the ruling party holds out a threat, intimidating the statutory body, restraining the CVC from doing its duty, as enjoined upon by the judgement of the Supreme Court. What happens to the law of the country? Will Mr. Jethmalani respond to it? Where will the law of the land go? The Government is dictating to the Supreme Court, the Government is dictating to the CVC; the Government is dictating to film-makers, the Government is dictating to the painters; the Government is dictating to other political parties; the Government is dictating to researchers. Sir, are we supposed to live under their dictats? Are we supposed to live under the dictats of a political power which wants to bring about regimentation, not only in the cultural field but also in the Administration? Therefore, the basic question is, the action of the Government is perverse, the statements of the hon. political leaders are perverse. The reported discussion in the Cabinet, if it had actually taken place, is perverse. And this perversity is being committed with the clear intention of covering up corrupt dealings and protecting people who are either in the Government or in high positions. Therefore, this tantamounts to a grave impropriety. It is for Parliament to protect the CVC; it is for

Parliament to protect the independence of artistes; it is for Parliament to protect the right of knowledge; it is for Parliament to protect the independence of research work. We got alarmed because one after another, ominous developments have been taking place in the country. We got alarmed, and expressing that grave alarm, as a Member of this august House, I wish this august House takes into cognisance the grave impropriety that the Government seems to be commiting, with impunity. We shall not let you commit the offences that you are committing. I call upon the Parliament to put a stop to it.

DR. BIPLAB DASGUPTA (West Bengal): Sir, I would like to make two points to supplement what my hon. colleague, Shri Gurudas Das Gupta, has said. Number one, I see a contradiction in the policy of the Government towards the CVC, in particular, and autonomous organisations, in general. On the one hand, the Government is coming up with a new Bill which gives enormous powers to the CVC. We, as a party, are apprehensive of the CVC being given too much of powers. It is being discussed by the Select Committee. We are not in favour of giving so much of powers in the hands of the CVC. On the other hand, when a man in charge of the CVC tries to exercise whatever autonomy he has, you don't allow him. You want that the autonomy, or power, should be given only to further certain political interests. Do you really want to give autonomy to the organisation? From the behaviour of the Government it seems that it is not interested in giving autonomy to the organisation. So far as autonomy is concerned, it wants to protect the interests of the ruling party; nothing beyond that. That is the impression which we normally get. In the same breath, I would like to know - because a reference has been made to hawala case- what happened to the hawala case? The Jain dairy contains certain names; I am not mentioning those names. This diary was placed by the CBI before the court. What did the court say? At the end, what was the judgment? That some names are mentioned in the diary; that is true. But the information in the diary has not been corroborated by other evidence. So, the cases failed. They did not say that the allegations were untrue. They did not say that the entries in the Jain diary were wrong. There is not a single statement saying that the Jain diary entries were wrong, mala fide or manipulated. They said, "On the basis of a diary alone we cannot convict anybody or we cannot hold them guilty". That is what they said. If corroboration comes the other ways, if it comes by way of fresh information which corroborates what has already been stated in the

Jain diary, then that becomes a new issue. That matter is for the court to take up. What the CVC has done is this. Some information has come to the CVC corroborating perhaps what was already there in the Jain diary. I do not know it. Therefore, they have passed on that information to the CBI to find out whether that information corroborates the earlier information or not. That is what has happened. Why should the BJP say that they should not be allowed to continue and it should not be reopened? Why should it not be reopened? It is a bigger issue. If further corroboration is there, it should be taken up. That is a matter for the court to judge. I think Shri Jethmalani will agree with me. I do not see any rationale for this uproar excepting that they want to suppress the information which is inconvenient or uncomfortable to them.

Thank you.

SHRI GURUDAS DAS GUPTA: Why is Shri Jethmalani so silent on this issue? When the Government is so serious about Bofors, why do they want to cover this up? Let Shri Jethmalani, who has been so eloquent, respond to it.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): I cannot be provoked into an impropriety. The Leader of the House is present here. He will respond to it.

SHRI GURUDAS DAS GUPTA: Sir, this issue completely concerns the Law Ministry. It does not come under the domain of the Leader of the House. It is under the domain of a lawyer who has failed to protect the judgment of the Supreme Court. Let me accuse him. He has failed to protect the judgment of the Supreme Court by remaining silent.

Grave drought conditions in Gujarat

SHRI BRAHMAKUMAR BHATT (Gujarat): Mr. Chairman, Sir, I rise to draw the attention of the august House to the very serious drought condition in the State of Gujarat. The Government of Gujarat itself has declared scarcity conditions in 8,666 villages which is about half the number of villages in Gujarat. Out of 18,000 villages, the State Government has declared scarcity conditions in 8,666 villages in Gujarat. Out of 22 districts in Gujarat, the Government of Gujarat has declared scarcity conditions in 17 districts. Sir, because of two consecutive monsoon failures the situation has worsened. Patan, Jamnagar, Banaskantha and Kutch districts are the worst